

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES DALE MOSELEY,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

CASE NO. C16-5698 BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 28. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) Defendants' motion to dismiss (Dkt. 21) as to Plaintiff's classification claim is **GRANTED** without leave to amend. Defendants' motion as to Plaintiff's due process claim is **GRANTED**, but plaintiff is granted leave to amend his complaint.

Dated this 10th day of January, 2017.



BENJAMIN H. SETTLE
United States District Judge